

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
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Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

CHARLES F. PYNE,

Junior Party,

(U. S. Serial No. 09/512,967, Patent Nos. 5,721,907 and 5,446,888)¹,

v.

JIM HARLAN and HENRY E. THOMAS, Jr.

Senior Party,

(U. S. Serial No. 08/593,477)²

Patent Interference No. 105,024

FAXED

NOV 22 2002

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before SCHAFER, LEE, and TORCZON, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ 09/512,967, filed February 24, 2000. Patent No. 5,721,907, based on application 08/445,781, filed May 22, 1995. Patent No. 5,446,888, based on application 08/182,969, filed January 14, 1994. Accorded the benefit of the filing date of Patent No. 5,721,907, filed May 22, 1995, for Count 1. Accorded the benefit of the filing date of Patent No. 5,446,888, filed January 14, 1994, for Count 2. The real party in interest is LapLink, Inc.

² Filed January 29, 1996. Accorded the benefit of Application 08/176,955, filed January 3, 1994, for both Counts 1 and 2. The real party in interest is Norton Lambert Corporation.

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The extended due date for senior party Harlan to respond to a show cause order against the senior party, issued on November 5, 2002 (Paper No. 14), has passed without the filing of any proper response from the senior party which places the senior party in compliance with all outstanding requirements in this interference. In a telephone conference call with the administrative patent judge on November 21, 2002, Mr. Edward J. Keeling of the law firm of Townsend and Townsend and Crew LLP confirmed that the senior party has not filed a response subsequent to the Administrative Patent Judge's communication dated November 13, 2002, which extended the due date for a response to the show cause order to November 19, 2002. Accordingly, it is now appropriate to enter judgment under 37 CFR § 1.662(a) against the senior party for failure to prosecute the interference.

It is

ORDERED that judgment as to the subject matter of Count 1 is hereby entered against senior party JIM HARLAN and HENRY E. THOMAS, Jr.;

FURTHER ORDERED that judgment as to the subject matter of Count 2 is hereby entered against senior party JIM HARLAN and HENRY E. THOMAS, Jr.;

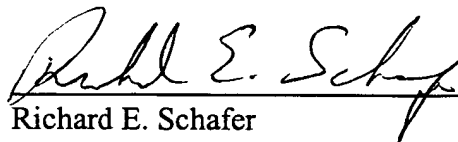
FURTHER ORDERED that senior party JIM HARLAN and HENRY E. THOMAS, Jr. is not entitled to its application claim 15 which corresponds to Count 1;

FURTHER ORDERED that senior party JIM HARLAN and HENRY E. THOMAS, Jr. is not entitled to its application claims 16-20 which correspond to Count 2;

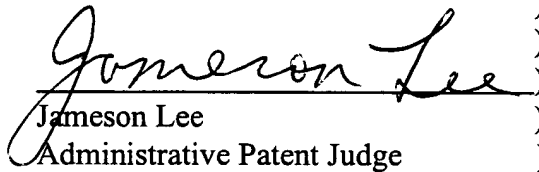
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FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.



Richard E. Schafer
Administrative Patent Judge



Jameson Lee
Administrative Patent Judge



Richard Torczon
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

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By Facsimile

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INTERFERENCE DIGEST

Interference No. 105,024

Paper No. 18

Name: Charles F. Pyne

Serial No.: 09/512,967

Patent No.

Title: Remote File Transfer Method and Apparatus

Filed: 02/24/00

Interference with HARLAN et al

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 11-22-02

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.